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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

16 THIS DOCUMENT RELATES TO:
17 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

DECLARATION OF ANNE M. SELIN
IN SUPPORT OF DEFENDANTS'
JOINT RENEWED ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
THE EXPERT REPORTS OF DR.
LEAMER AND DR. MURPHY

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21 I, Anne M. Selin, declare as follows:

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23 1. I am an attorney with the law firm of Mayer Brown LLP, counsel for Defendant
24 Google, Inc. ("Google") in the above-captioned matter. I am admitted to practice law before this
25 Court. I submit this declaration in support of Defendants' Joint Renewed Administrative Motion
26 to Seal Portions of the Expert Reports of Dr. Leamer and Dr. Murphy that is being filed
27 concurrently herewith. As an attorney involved in the defense of this action, unless otherwise
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1 stated, I have personal knowledge of the facts stated in this declaration and if called as a witness,
2 I could and would competently testify to them.

3 2. I have read and reviewed the Declarations of Frank Wagner (Google's Director of
4 Compensation) that were filed on October 9, 2012, November 12, 2012 and December 18, 2012
5 (Dkts. 201, 221 and 261, respectively) in this matter. In those Declarations, Mr. Wagner
6 describes the competitive harm that Google would suffer if certain confidential and highly
7 sensitive details and data included in the following expert reports were made public: (i) the
8 Expert Report of Edward E. Leamer, Ph.D. dated October 1, 2012 ("Leamer Report"); (ii) the
9 Expert Report of Professor Kevin M. Murphy dated November 12, 2012 ("Murphy Report"); and
10 (iii) the Reply Expert Report of Edward E. Leamer, Ph.D. dated December 10, 2012 ("Leamer
11 Reply Report").

12 3. Pursuant to this Court's April 8, 2013 Order, Google has identified and made
13 specific and narrowly tailored redactions of particular portions of the Leamer Report, Murphy
14 Report, and Leamer Reply Report (as identified in Paragraph 4 below) that contain the most
15 confidential and highly sensitive details about Google's compensation, recruiting, and hiring
16 strategies and practices, including confidential details about Google's internal deliberations and
17 business strategy related to making counteroffers as well as responding to competition from a
18 rival employer in an effort to retain employees.

19 4. In particular, Google renews its request to seal the following portions of the
20 Leamer Report, Murphy Report and Leamer Reply Report:

21 a) **Leamer Report**

- 22 i. Page 17, footnote 65 (numbers of recruiters and hires only)
- 23 ii. Page 23, Figures 3 and 4 (rows pertaining to Google)
- 24 iii. Page 26, Paragraph 59 (select portions of the second sentence)
- 25 iv. Page 27, footnote 101 (names of companies only)
- 26 v. Page 27, footnote 103
- 27 vi. Page 45, Paragraph 107 (select portions of the first five sentences)
- 28 vii. Page 45, footnote 129 (select portion of footnote)

- viii. Page 45-46, footnote 135
- ix. Page 46, Paragraph 108 (last sentence only)
- x. Page 46, Paragraph 109
- xi. Page 46, footnote 138
- xii. Page 46, footnote 139
- xiii. Page 47, Paragraph 111
- xiv. Page 48, Paragraphs 115, 116 and 117
- xv. Page 49, Paragraph 119
- xvi. Page 49, footnote 155
- xvii. Page 53, Figure 10 (row pertaining to Google)
- xviii. Page 60, Figure 16

b) Murphy Report

- i. Page 13, footnote 20 (last clause of last sentence only, listing employers)
- ii. Page 14, Paragraph 20
- iii. Page 14, footnote 24 (last parenthetical only)
- iv. Page 21, Paragraph 35 (figures in last sentence only)
- v. Page 25, Paragraph 43 (last two sentences only)
- vi. Page 26, Paragraph 45 (portion of third sentence only)
- vii. Pages 26-27, Paragraph 46 (fourth sentence only)
- viii. Pages 42-43, Paragraph 78 (last three sentences only)
- ix. Page 43, Paragraph 79 (first sentence and portion of last sentence)
- x. Page 44, footnote 104 (portion of second sentence and last sentence)
- xi. Page 45, footnote 107
- xii. Page 47, footnote 114 (first sentence only)
- xiii. Page 54, Paragraph 95 (percentage figures in last sentence only)
- xiv. Page 75, footnote 186 (names of companies only)
- xv. Page 78, Paragraph 146 (percentage figure and description before the term “rate” in last sentence)

- xvi. Exhibit 3
- xvii. Exhibit 5
- xviii. Exhibit 6
- xix. Exhibits 7A and 7B
- xx. Exhibits 8A and 8B
- xxi. Exhibit 9B
- xxii. Exhibit 10
- xxiii. Exhibit 11B
- xxiv. Exhibit 15B
- xxv. Appendices 1A, 1B, 1C and 1D
- xxvi. Appendices 2A, 2B, 2C and 2D
- xxvii. Appendices 3A and 3B
- xxviii. Appendices 4A, 4B, 4C and 4D

c) Leamer Reply Report

- i. Page i, Heading III.C (portion following “Big Bang”)
- ii. Page 2, Paragraph 7 (last clause in second sentence, beginning “in response to ...”)
- iii. Page 23, Heading C. (portion following “Big Bang”)
- iv. Page 23, Paragraph 51 (second, third, fourth and fifth sentences)
- v. Page 24, Paragraph 52 (last sentence)
- vi. Page 24, Paragraph 53 (last clause in first sentence following “unique” and second sentence)
- vii. Page 24, footnotes 67 and 69
- viii. Page 25, Paragraph 54 (last sentence)
- ix. Page 26, Figure 1 (chart pertaining to Google)
- x. Page 43, Figure 7 (chart pertaining to Google)

5. Based on the previous declarations submitted by Frank Wagner, the information in the portions of the Leamer and Murphy Reports identified above is confidential and highly

1 sensitive commercial information, from which Google derives economic benefit by maintaining
2 its confidentiality. Dkts. 201, 221 and 261. Google does not disclose this information to its
3 competitors, customers or the general public. *Id.* Public disclosure of this information would
4 likely result in competitive harm to Google by giving third parties, including its competitors in
5 the labor market, direct insight into confidential and sensitive aspects of Google's internal
6 decision-making processes and business strategy related to employee hiring, recruiting and
7 compensation. *Id.*

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. Executed on April 12, 2013 in Palo Alto, California.

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11 
12 Anne M. Selin